



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/697,420

10/30/2003

Michael P. Foley

MSFT-01153US0

7216

47766 7590 07/23/2007

VIERRA MAGEN/MICROSOFT CORPORATION

575 MARKET STREET, SUITE 2500

SAN FRANCISCO, CA 94105

EXAMINER

HSU, JONI

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

07/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/697,420	<b>Applicant(s)</b> FOLEY, MICHAEL P.	
	<b>Examiner</b> Joni Hsu	<b>Art Unit</b> 2628	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-11 and 13-20.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 ULKA CHAUHAN  
 SUPERVISORY PATENT EXAMINER

Applicant has added new limitations and new Claim 21 that change the claims from the way they were previously presented, and therefore these changes raise new issues that would require further consideration and search, and therefore the proposed amendments will not be entered. The following addresses the arguments made by Applicant:

Applicant argues that the data conversion functions set forth in the Wilson patent (US005960213A) are explicit functions of the GLINT Delta specifically provided for the purpose of converting big-endian data to little-endian data, and therefore Wilson fails to teach reordering data “using an operation that was not provided for that purpose” (pages 8-9).

In reply, the Examiner points out that according to the disclosure of this application, an emulator instructs the graphics hardware to reorder data using an operation that was not provided for that purpose (page 11, lines 14-15, 20-21). Wilson teaches that the GLINT Delta acts as a multi-function adaptor to allow multiple PCI devices to be placed on an expansion card (Col. 2, lines 21-24). The adapter has a graphics pre-processor, supporting a PCI compliant graphics device with up to two graphics processors on the second PCI port (Col. 2, lines 17-20). The GLINT Delta graphics processor acts as one PCI load (Col. 2, lines 24-25) such that the host system sees only a single multi-functional device, which appears to have the combined memories and functions of the adapter and second PCI device (Col. 2, lines 13-17). The GLINT Delta graphics processor reorders data (Col. 2, lines 43-64; Col. 4, lines 20-25; Col. 20, lines 4-10). Therefore, the GLINT Delta is similar to an emulator. Since the GLINT Delta performs operations in such a manner that it appears to the host system that there is only a single multi-functional device, while there are in fact two graphics processors (Col. 2, lines 13-25), the GLINT Delta is considered to perform functions by using operations that were not provided for

that purpose, since the GLINT Delta acts similarly to an emulator. Since the GLINT Delta reorders data, the GLINT Delta is considered to reorder data using an operation that was not provided for that purpose, as recited in Claim 14.

Applicant argues that new Claim 21 requires that the secondary processor transform the coordinates of each subdivision using an operation intended for another function, such as textured draw command, as recited in dependent Claim 5. Wilson fails to teach using the secondary processor to transform the coordinates of each subdivision of the pixel data using an operation intended for a function other than transforming the coordinates (page 9).

In reply, the Examiner points out that “using an operation intended for another function” is a new limitation that was not previously presented. The Examiner discussed above how Wilson is considered to teach “using an operation that was not provided for that purpose”, as was previously recited in the claims. The Examiner points out that Claim 5 recites that “the operation comprises one of a draw operation and a multi-textured draw operation.” Since the term “comprises” is used instead of “consists”, this means that a draw operation or a multi-textured draw operation is part of the operation, however, since the operation is not limited to only include one of those operations, it could also perform other functions. Wilson teaches GLINT Delta performs a draw operation or a multi-textured draw operation (Col. 2, lines 43-48, 63-64; Col. 4, lines 20-25; Col. 19, line 65-Col. 20, line 10) and the GLINT Delta is also considered to reorder data using an operation that was not provided for that purpose, as discussed above, and therefore Wilson is considered to teach the claims as they were previously presented.